

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

RAUL CALDERON,

Plaintiff,

v.

P. MILES, NSP mailroom clerk, sued
individually and in his or her official
capacity, CALVIN HAYWOOD,
Casemanager, sued individually and
in his or her official capacity,
BLUETH, Corprol, sued individually
and in his or her official capacity,
and WILLIMISON, Corprol, sued
individually and in his or her official
capacity,

Defendants.

CASE NO. 4:08CV3089

MEMORANDUM
AND ORDER

This matter is before the court on Plaintiff's Motion to Dismiss. ([Filing No. 11.](#)) Service of process has not yet occurred, nor have Defendants filed an answer or motion for summary judgment. Plaintiff's Motion to Dismiss is therefore granted in accordance with [Federal Rule of Civil Procedure 41\(a\)\(1\)](#) and this matter is dismissed without prejudice.

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion to Dismiss ([Filing No. 11](#)) is granted;
2. Plaintiff's Complaint and this action are dismissed without prejudice; and
3. A separate judgment will be entered in accordance with this Memorandum and Order.

DATED this 1th day of July, 2008.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge